

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,

v.

DANIEL DRIVER,

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CASE NUMBER 6:19-CR-00007-RWS

**FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA
BEFORE THE UNITED STATES MAGISTRATE JUDGE
PURSUANT TO RULE 11(c)(1)(C)**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of the guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On November 21, 2019, this cause came before the undersigned United States Magistrate Judge for guilty plea and allocution of the Defendant on Count One of the Information. Count One charges a violation of Title 14 U.S.C. § 88(c) – False Distress Call to the Coast Guard. After conducting said proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Court finds:

a. That the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a United States Magistrate Judge subject to a final approval and imposition of sentence by the District Court.

b. That the Defendant and the Government have entered into a plea agreement which has been filed and disclosed in open court pursuant to Fed. R. Crim. P. 11(c)(2).

c. That the Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

d. Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to Judge Schroeder for adoption immediately upon issuance.

IT IS THEREFORE RECOMMENDED that the District Court accept the Plea Agreement and the Guilty Plea of the Defendant, and that **DANIEL DRIVER** should be adjudged guilty of that offense, reserving to the District Judge the option of rejecting the Plea Agreement pursuant to Rule 11(c)(5) if, after review of the presentence report, the agreed sentence is determined not to be the appropriate disposition of the case.

So ORDERED and SIGNED this 22nd day of November, 2019.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE